


JCO2 Rec'd PCT/PTO 17 JUN 2005

U. S. PATENT AND TRADEMARK OFFICE U.S. DEPARTMENT OF COMMERCE  <b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER 21272YP
		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <b>10/539531</b>
INTERNATIONAL APPLICATION NO. US2003/040126	INTERNATIONAL FILING DATE December 16, 2003	PRIORITY DATE CLAIMED December 20, 2002
TITLE OF INVENTION MITOTIC KINESIN INHIBITORS		
APPLICANT(S) FOR DO/EO/US Mark E. Fraley, Robert M. Garbaccio		
<p><b>Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:</b></p> <ol style="list-style-type: none"><li><input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</li><li><input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</li><li><input type="checkbox"/> This is an express request to begin national examination procedures [35 U.S.C. 371(f)]. The submission must include items (5), (6), (9) and (21) indicated below.</li><li><input checked="" type="checkbox"/> The US has been elected (PCT Article 31).</li><li><input checked="" type="checkbox"/> A copy of the International Application as filed [35 U.S.C. 371(c)(2)]<ol style="list-style-type: none"><li><input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li><li><input type="checkbox"/> has been communicated by the International Bureau.</li><li><input checked="" type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li></ol></li><li><input type="checkbox"/> An English language translation of the International Application as filed [35 U.S.C. 371(c)(2)].<ol style="list-style-type: none"><li><input type="checkbox"/> is attached hereto</li><li><input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li></ol></li><li><input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 [35 U.S.C. 371(c)(3)].<ol style="list-style-type: none"><li><input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li><li><input type="checkbox"/> have been communicated by the International Bureau.</li><li><input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li><li><input checked="" type="checkbox"/> have not been made and will not be made.</li></ol></li><li><input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 [35 U.S.C. 371(c)(3)].</li><li><input checked="" type="checkbox"/> An oath or declaration of the inventor(s) [35 U.S.C. 371(c)(4)].</li><li><input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 [35 U.S.C. 371(c)(5)].</li></ol> <p><b>Items 11 to 20 below concern other document(s) or information included:</b></p> <ol style="list-style-type: none"><li><input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li><li><input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li><li><input checked="" type="checkbox"/> A preliminary amendment.</li><li><input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</li><li><input type="checkbox"/> A substitute specification.</li><li><input type="checkbox"/> A power of attorney and/or change of address letter.</li><li><input checked="" type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.</li><li><input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</li><li><input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</li><li><input type="checkbox"/> Other items or information:</li></ol>		

**EXPRESS MAIL CERTIFICATE**  
DATE OF DEPOSIT June 17, 2005  
EXPRESS MAIL NO. 2V42134330045  
I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS  
BEING DEPOSITED WITH THE UNITED STATES POSTAL  
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MAILED BY Samuel C. Conley  
DATE June 17, 2005

U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <b>10/539531</b>		INTERNATIONAL APPLICATION NO. US2003/040126		ATTORNEY'S DOCKET NUMBER 21272YP <b>17 JUN 2005</b>	
The following fees are submitted:				CALCULATIONS	PTO USE ONLY
21. <input checked="" type="checkbox"/> Basic national fee.....				\$300	\$300.00
22. <input checked="" type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4).....				\$100	
All other situations.....				\$200	\$100.00
23. <input checked="" type="checkbox"/> Search fee Search fee [37 CFR 1.445(a)(2)] has been paid on the international application to the USPTO as an International Searching Authority.....				\$100	
International Search Report prepared and provided to the Office.....				\$400	
All other situations.....				\$500	\$500.00
<b>TOTAL OF 21, 22 and 23=</b>				\$900.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	0 /50	0 = 0	X \$250.00	\$0.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date [37 CFR 1.492(e)].					
CLAIMS		NUMBER FILED	NUMBER EXTRA	RATE	
Total Claims		20 - 20 =	0	X \$50.00	\$0.00
Independent Claims		3 - 3 =	0	X \$200.00	\$0.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+	\$360.00	
<b>TOTAL OF ABOVE CALCULATIONS (SUBTOTAL)</b>				=	\$900.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				+	
<b>TOTAL NATIONAL FEE</b>				=	\$900.00
Fee for recording the enclosed assignment [37 CFR 1.21(h)]. The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property.				+	
<b>TOTAL FEES ENCLOSED</b>				=	\$900.00
				Amount to be refunded:	
				Amount to be charged:	
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.					
b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>13-2755</u> in the amount of <u>\$900.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed.					
c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to the Deposit Account No. <u>13-2755</u> . A duplicate copy of this sheet is enclosed.					
<b>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive [37 CFR 1.137(a) or (b)] must be filed and granted to restore the International Application to pending status.</b>					
SEND ALL CORRESPONDENCE TO:					
Customer No. 000210					
MERCK & CO., INC. Patent Department, RY60-30 P.O. Box 2000 126 East Lincoln Avenue Rahway, New Jersey 07065-0970					
DATE: <u>June 17, 2005</u>				 SIGNATURE  David A. Muthard NAME  <u>35.297</u> REGISTRATION NUMBER	
PHONE #: <u>(732) 594-3903</u>					

10/539531

PATENT

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Applicant:** Mark E. Fraley, et al.

US/RO

**Attorney Docket No.** 21272YPAuthorized Officer:  
To be determined**Filing Date:** June 17, 2005**For:** MITOTIC KINESIN INHIBITORSCommissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450**LETTER**

Sir:

In compliance with 37 C.F.R. 1.821(f) of the Rules of Practice In Patent Cases: Application Disclosures Containing Nucleotide And/Or Amino Acid Sequences, the signature page and following statement are being submitted herewith.

I hereby state that the content of the paper and computer readable copies of the Sequence Listing, submitted in accordance with 37 C.F.R. 1.821(c) and (e), respectively, are the same.

The enclosed diskette contains the Sequence Listing for case number 21272YP.

EXPRESS MAIL CERTIFICATE  
DATE OF DEPOSIT June 17, 2005  
EXPRESS MAIL NO. 2045134332045  
I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS  
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COMMISSIONER FOR PATENTS, P.O. BOX 1450,  
ALEXANDRIA, VIRGINIA 22313-1450.  
MAILED BY Daniel Crowley  
DATE June 17, 2005

Respectfully submitted,

By: David A. Muthard  
Registration No. 35,297  
Attorney for ApplicantsMerck & Co., Inc.  
P.O. Box 2000 - RY 60-30  
Rahway, New Jersey 07065-0907  
Telephone No. (732) 594-3903Date: June 17, 2005